

REMARKS

Claims 1-10 are pending in the application, and stand rejected. Claims 11-17 have been withdrawn.

Rejection under 35 U.S.C §102

Claims 1-2, 4-5, 8 and 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,721,781 to Deo. In particular, the Examiner finds that, with regard to claims 1, 5 and 8, Deo discloses all of the claimed limitations. Applicants have previously explained that Deo does not in fact teach the acquiring of an integrity metric as claimed. In the present Action, the Examiner replies that, given its broadest reasonable interpretation, the terminal certificate of Deo can be viewed as an integrity metric. Applicants respectfully submit that this interpretation is incorrect and, to make even clearer that an integrity metric is not akin to the terminal certificate of Deo, have amended claims 1, 5 and 8 to specify that the integrity metric is measured by a trusted device associated with the transaction terminal after the last restart of the transaction terminal. As the Examiner will appreciate, the terminal certificate of Deo is not measured by a trusted device associated with the terminal but rather assigned by a certifying authority. Furthermore, the amended claims now recite that the claimed integrity metric is measured after every restart of the terminal, further making clear its dissimilarity from the terminal certificate of Deo.

Support for the amendments presented herein may be found throughout the specification, including, *inter alia*, pages 13 through 15. Applicants respectfully submit that, in light of the clarifying amendments presented herein, claims 1, 5 and 8 are in fact patentable over Deo. Should the Examiner disagree, Applicants respectfully request him to clearly and specifically point out where Deo discloses the measuring of an integrity metric by a trusted device associated with the terminal after the last restart of the transaction terminal, in accordance with 37 C.F.R. 1.104(c)2.

Claims 2 and 4 are dependent on claim 1, and claims 10 is dependent on claim 8. In view of the above discussion with regards to claims 1 and 8, Applicants respectfully submit that their dependent claims 2, 4 and 10 are also novel and allowable.

Rejection under 35 U.S.C §103

Claims 3 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Deo in view of U.S. Pat. No. 6,694,436 to Audebert, claim 7 as unpatentable over Deo, Audebert and further in view of U.S. Pat. No. 6,772,331 to Hind, and claim 9 as unpatentable over Deo in view of U.S. Pat. No. 5,272,754 to Boerbert.

Claims 3, 6, 7 and 9 depend from claims 1, 5 and 8, respectively. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claims 1, 5 and 8, Applicants submit that claims 3, 6, 7 and 9 are also allowable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

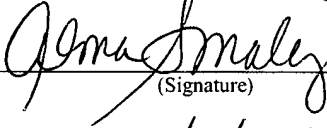
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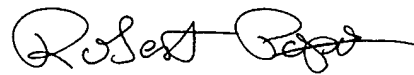


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Respectfully submitted,



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